

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Chapter 7 Estate of Bernard L.
Madoff,

Plaintiff,

v.

CATHAY LIFE INSURANCE CO. LTD.,

Defendant.

Adv. Pro. No. 11-02568 (CGM)

**DECLARATION OF ERIC R. FISH IN SUPPORT OF THE TRUSTEE'S OPPOSITION
TO DEFENDANT CATHAY LIFE INSURANCE CO. LTD.'S
MOTION TO DISMISS THE COMPLAINT**

I, Eric R. Fish, pursuant to 28 U.S.C. § 1746, declare the following:

1. I am a partner with the law firm of Baker & Hostetler LLP, counsel to Irving H. Picard (the "Trustee"), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection

Act, 15 U.S.C. §§ 78aaa-lll, and the chapter 7 estate of Bernard L. Madoff. I submit this Declaration in support of the Trustee's Opposition to Defendant Cathay Life Insurance Co. Ltd.'s ("Cathay") Motion to Dismiss the Complaint.

2. Attached hereto as Exhibit A in redacted form is a true and correct copy of a Fairfield Sentry Limited Subscription Agreement purportedly signed by Cathay on September 17, 2003 (BRRVAA0000078- BRRVAA0000088).

3. Attached hereto as Exhibit B in redacted form is a true and correct copy of a Fairfield Sentry Limited Short Form Subscription Agreement purportedly signed by Cathay on November 23, 2007 (CFSSAM0030573- CFSSAM0030574).

4. Attached hereto as Exhibit C in redacted form is a true and correct copy of the Fairfield Sentry Limited Private Placement Memorandum dated July 1, 2003 (SECSEV2137283- SECSEV2137350).

5. Attached hereto as Exhibit D is a true and correct copy of email correspondence that appears to be between Fairfield Greenwich Group ("FGG") personnel and Maggie Y.C. Hsu of Cathay, dated between November 8, 2007 and November 12, 2007, with the subject line of the latest email in the chain: "RE: DDQ and proposed agenda on 11/20" (FG-05525264-FG-05525266).

6. Attached hereto as Exhibit E in redacted form is a true and correct copy of the Fairfield Sentry Limited Private Placement Memorandum dated August 14, 2006, which was attached to the November 12, 2007 email from Annie Hudson to Maggie Y.C. Hsu that is part of the email correspondence annexed hereto as Exhibit D (FG-05525267-FG-05525327).

7. Attached hereto as Exhibit F is a true and correct copy of email correspondence that appears to include correspondence between FGG personnel and Heather Pan of Chinkara, dated

between August 27 and August 28, 2003, with the subject line of the latest email in the chain: “Sentry fund – part 1.” (SECSEV0722897-SECSEV0722900).

8. Attached hereto as Exhibit G in redacted form is a true and correct copy of a Citco Request for Wire Transfer Payment, dated August 19, 2005, with the account name “Cathay Life Insurance Co. Ltd.” stating that “[i]n request of the above named account please process the following wire transfer payment” with instructions to “[p]lease debit” “Fairfield Sentry Limited” and to “[p]lease credit” “JPMorgan Chase Bank NA,” and referencing the amount of \$2,225,458.28 (ANWAR-CFSE-00013780).

9. Attached hereto as Exhibit H in redacted form is a true and correct copy of a Citco Confirmation of Order Received, dated November 25, 2008, with the account name Cathay Life Insurance Co., Ltd., “confirm[ing] receipt of your instruction to redeem from Fairfield Sentry Limited at the next dealing date,” and referencing a share amount of 10,365.0849 (ANWAR-CFSE-00630180).

10. Attached hereto as Exhibit I is a true and correct copy of email correspondence that appears to be between FGG personnel, dated between September 17 and September 18, 2007, with the subject line: “Cathay Life in NY today” (SECSEV1997100- SECSEV1997101).

11. Attached hereto as Exhibit J is a true and correct copy of a document with the title “Cathay Life Visit,” dated Tuesday 18th September 2007, and referencing the names of Maggie Hsu, Ryan Wang, and Suraya Lin, as well as the “FGG New York Office” and its address on the first page of the document (SECSEV1014273).

12. Attached hereto as Exhibit K is a true and correct copy of email correspondence that appears to be between FGG personnel and Maggie Y.C. Hsu of Cathay, dated between

November 8 and November 26, 2007, with the subject line of the latest email in the chain: “FW: Fairfield Sentry fund Subscription documents” (SECSEV1523781-SECSEV1523793).

13. Although several of the foregoing documents attached as exhibits are stamped confidential, the Trustee’s records indicate that the producing parties have de-designated the documents as not confidential under the Litigation Protection Order entered in this liquidation. *See SIPC v. BLMIS (In re BLMIS)*, Adv. Pro. No. 08-01789 (CGM) (Bankr. S.D.N.Y. June 6, 2011 & Sept. 17, 2003), ECF Nos. 4137 & 5474. In addition, all personally identifying information has been redacted.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 24, 2022 in New York, New York.

/s/ Eric R. Fish
Eric R. Fish